



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2012-81-R1-10/2013
Site: 117-119 Heath Street/34 Edgar Avenue
Date of Decision: November 20, 2013
Decision: Revision Approved with Conditions
Date Filed with City Clerk: December 3, 2013

ZBA DECISION

Applicant Name:	Esmail Mahdavi
Applicant Address:	80 Fairview Avenue, Belmont, MA 02178
Property Owner Name:	Esmail Mahdavi
Property Owner Address:	80 Fairview Avenue, Belmont, MA 02178
Agent Name:	Everett Mitchell, Mitchell Designs & Construction
Agent Address:	448 Main Street, Medford, MA 02155

Legal Notice: Applicant Esmail Mahdavi and Owner Esmail and Yeganeit Mahdavi seek a revision (SZO §5.3.8) to Special Permit with Site Plan Review ZBA 2012-81 to substantially demolish and reconstruct a single-family dwelling on the property. The original SPSR was under SZO §7.2 to have more than one principle structure on a lot and §7.3 to have more than three dwelling units on a lot in order to construct four residential units in two semi-detached townhouses for a total of sixteen residential units on the site. Two of the sixteen units will be affordable as defined in §2.2.4.

<u>Zoning District/Ward:</u>	RB zone/Ward 4
<u>Zoning Approval Sought:</u>	§5.3.8, §7.2, §7.3 & §2.2.4
<u>Date of Application:</u>	October 23, 2013
<u>Date(s) of Public Hearing:</u>	November 20, 2013
<u>Date of Decision:</u>	November 20, 2013
<u>Vote:</u>	5-0



Appeal #ZBA 2012-81-R1-10/2013 was opened before the Zoning Board of Appeals at Somerville City Hall on November 20, 2013. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal was to demolish the commercial structure and build two sets of three townhouses along the easement at the back of the property. 123 Heath Street would be converted from two units to one. There will be a total of sixteen residential units on the site, which includes 2 affordable units in perpetuity as defined in the Somerville Zoning Ordinance.

In the original proposal the single-family house at 34 Edgar Avenue was going to be retained. When the Applicants started to do interior demolition to do a gut rehab of the building, they found that the building was not structurally sound. They hired a structural engineer to evaluate the building who found that it should be demolished. The City's Inspectional Service Division ordered that the building come down.

The proposal is to build a single-family house in the location of the house that was demolished. The 573 square foot footprint of the previous house will be increased slightly by 121 square feet to square off the building and a covered porch is proposed that will add another 122 square feet to the footprint.

The house will keep the same general form as the previous house. It will be 2 ½ stories and have a side porch. There are three bedrooms in the house.

Other than the slight increase in footprint, the site plan has not changed. The parking space that will exist behind 34 Edgar Avenue will be surface of permeable pavers.

FINDINGS FOR SPECIAL PERMIT REVISION (SZO §5.3.8, §7.2, §7.3 & §2.2.4):

The following Special Permit with Site Plan Review findings are relevant to the proposed revision.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

12. Historic or Architectural Significance: The project must be designed "with respect to Somerville's heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties."

The proposal does not include historically designated properties. The Applicants were originally proposing to demolish 34 Edgar Avenue. When the Historic Preservation Commission (HPC) deemed it to be significant because of its strong association with the period in which it was constructed, as a workers cottage in the suburbs at the time when tenements were on the rise in Boston. After this determination, the Applicants changed the plan to retain 34 Edgar Avenue. The City's Inspectional Services Division ordered that the structure be demolished due to its condition that was discovered after the HPC and ZBA review. The structure will retain some qualities of the structure that the HPC deemed significant. The house will remain a small single-family house with 2 ½ stories, a gable roof and remain within the existing footprint except for a 244 square foot section to square off the building and add a porch.



13. **Enhancement of Appearance:** The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a nonresidential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

The overall appearance of the site will improve as a result of the proposed revision. The proposed house has a similar height to the previous structure and it will be slightly wider allowing it to continue to screen the townhouses behind it. The house uses forms that are familiar to Somerville houses: 2 ½ story gable roof, a wrap-around porch, a projecting bay, and gable dormers.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie and Brandy Brooks absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Revision to the Special Permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of a single-family house at 34 Edgar Avenue. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Oct 23, 2013</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>Nov 12, 2013</td> <td>Modified plans submitted to OSPCD (SK01 Site Plan)</td> </tr> <tr> <td>Nov 13, 2013</td> <td>Modified plans submitted to OSPCD (SK 03 1st & 2nd fl plans, SK 04 3rd & Roof Plans, SK05-07 Elevations, SK08-SK09 Perspective Views)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Oct 23, 2013	Initial application submitted to the City Clerk’s Office	Nov 12, 2013	Modified plans submitted to OSPCD (SK01 Site Plan)	Nov 13, 2013	Modified plans submitted to OSPCD (SK 03 1 st & 2 nd fl plans, SK 04 3 rd & Roof Plans, SK05-07 Elevations, SK08-SK09 Perspective Views)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	Applicant shall provide final material samples for siding, trim, windows, and doors to the Planning Staff for review and approval prior to construction.	BP	Plng.									



3	The electric, telephone, cable TV and other such lines and equipment shall be placed underground from the source or connection. The utilities plan shall be supplied to the Wiring Inspector before installation.	CO	Wiring Inspector	
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

Attest, by the Administrative Assistant:

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

